

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Michael A. Bailey, et al.,

Plaintiffs,

v.

AK Steel Corporation,

Defendant.

Case No. 1:06cv468

Judge Michael R. Barrett

PRELIMINARY INJUNCTION

This cause is before the Court on Plaintiffs' Motion for a Preliminary Injunction enjoining Defendant AK Steel Corporation from reducing/terminating health and life insurance benefits to hourly retirees and their spouses, surviving spouses and dependents from the levels provided by the Defendant prior to October 1, 2006 (Doc. 11). This motion has been brought on behalf of the individual Plaintiffs and a proposed class of retirees, spouses, surviving spouses and dependents totaling approximately 4,500. Notice, as required by Fed. Rule Civ. P. 65(a), has been provided.

This Court has concluded, after reviewing all memoranda of law, declarations and other submitted evidence, including oral arguments, that a preliminary injunction should issue because irreparable harm will result to Plaintiffs and the proposed class before this case is finally decided on its merits. Specifically, many class members will lose significant medical and prescription drug benefits and coverage under the negotiated Health Plans on October 1, 2006, or will be forced to choose between paying for medical care and other necessities of life. The Plaintiffs have further shown a likelihood of success on the merits. A serious question has been raised whether the

reduction/termination of Plaintiffs' medical and prescription drug benefits, which is scheduled to occur effective October 1, 2006, violates binding promises made to class members in collectively bargained agreements, retiree health plans and summary plan descriptions. The substantive rights that will be lost as of October 1, 2006, as well as the resulting loss of necessary medical treatment, financial solvency and peace of mind, have no remedy at law. Immediate relief is necessary to enable Plaintiffs and class members to protect their financial, physical and emotional health. For the foregoing reasons, it is hereby

ORDERED that the Defendant is enjoined from terminating or otherwise making any changes to the medical and prescription drug benefit plans and life insurance benefits, for any retirees (or their spouses/surviving spouses/dependents) who retired from the Middletown Works, Ohio facilities covered by an agreement negotiated by Armco Employees Independent Federation or its salaried affiliate and AK Steel or a predecessor covering hourly production, service and maintenance employees. This preliminary injunction is not on condition that any bond or security be filed by Plaintiffs.

IT IS SO ORDERED.

s/Michael R. Barrett
Michael R. Barrett, Judge
United States District Court